

REMARKS

Claims 1-23 are currently pending in the application. Claims 1, 11, and 14 have been amended.

A. Claims 1-23 stand rejected under 35 U.S.C. 103 as being unpatentable over Microsoft Visual Basic 5.0 Programmers Guide, 1997 (hereafter Basic), in view of Microsoft Word 2000 (hereafter Word), in further view of U.S. Patent 4,974,174 issued Nov. 27, 1990 to Kleinman (hereafter Kleinman).

1. Amended claim 1 recites: “[a] method of aligning items within an electronic document using relative tab stops, each item being associated with one of the relative tab stops, the method comprising:

- a. determining the relative tab stop associated with the first item, the relative tab stop not representing an absolute location on a page;
- b. positioning the first item within the electronic document on the relative tab stop associated with the first item; and,
- c. for each further item:
 - i. determining the relative tab stop associated with the further item;
 - ii. positioning the item within the electronic document in accordance with the relative tab stop associated with the further item and the position of each previously positioned item associated with the same relative tab stop as the further item.”

Basic teaches a positioning system based on a coordinate system. For example, Basic specifically discloses:

Every graphical operation described in this chapter ...uses the coordinate system of the drawing area or container. . . .

The coordinate system is a two-dimensional grid that defines locations on the screen, in a form, or other container (such as a picture box or Printer object).

You define locations on this grid using coordinates in the form: (x,y)
(Basic, page 557, Understanding the Coordinate System).

This passage of Basic teaches a tab indication that represents an absolute position on a page. As such, Basic does not teach “determining the relative tab stop associated with the first item, the relative tab stop not representing an absolute location on a page” as recited in an element of amended claim 1.

The Office action states that “Basic does not specifically disclose a [sic] relative tab stops associated with the first and further items.” However, Applicants submit the Word does not cure this deficiency. Word teaches setting a tab for a page, as an absolute position on the page. For example, pages 2 and 3 of the Word reference show that tab stops are set at 0.5 inches and 1.5 inches. These tab stops are absolute positions on the Word ruler set at the inch marks. Further, these tab stops are not associated with a particular item, but rather, are set for a page and used by multiple items. For example, suppose a tab stop is placed at 2”, 4”, and 6” marks and a first item is placed at a tab stop at the 2 inch mark and a second item is placed at a tab stop at the 4 inch mark. If a user places an additional item to the left of the first item which does not fit in the space preceding the first tab stop, the first and second item would be moved to the right such that the first item would no longer be located at tab stop 2 inches but would be moved to tab stop 4 inches, and the second item would be moved to tab stop 6 inches. Since Word uses an absolute inch setting on a ruler and since the items do not maintain their tab settings, Word does not teach “determining a relative tab stop associated with the first item, the relative tab stop not representing an absolute location on a page” or “determining the relative tab stop associated with the further item” as recited in elements of amended claim 1.

Kleinman does not cure the deficiencies of Basic and Word. Kleinman teaches a display paradigm that uses a reference to an anchor point of a previous object. For example, Kleinman specifically discloses:

The present invention includes a method of displaying multiple objects on a display terminal wherein each of the objects is positioned by referenced [sic] to a previous object. The previously positioned object is referred to as the anchor object. The object being positioned relative to the anchor object is called the aligned object. The position of the aligned object relative to the anchor object is specified by two alignment points, one on the aligned object and one on the anchor object, and the directed distance between those two points.

In the present invention, a limited number of pre-determined alignment points are defined for each object. In the present invention, a preferred set of alignment points includes three points horizontally, including right, centered and left, and four points vertically, including bottom, center, top, and a baseline point corresponding with the baseline of the first line of text within the rectangle. A set of flags is used to define the particular relationship between each anchor object and a following aligned object. The specification of each object's position requires four flags indicating the horizontal and vertical alignment points on the anchor and aligned objects, and an optional offset value indicating the horizontal and vertical components of an offset distance between the two specified alignment points. Thus, the specification of relative position is separated from the specification of the text or graphic object to be displayed.

(Kleinman, column 2, line 60 through column 3, line 20) underline added.

Kleinman further discloses:

The alignment point of an anchor object is specified by two flags, one denoting the abscissa or horizontal location of the point on the object and the other indicating the ordinate or vertical location of the point on the object. Similarly, the anchor point on the aligned object is specified by two flags denoting the abscissa and ordinate anchor locations. The location of an aligned object relative to its anchor object is specified by an alignment point on the anchor object and an alignment point on the aligned object, with an optional offset designation. The objects are then positioned relative to one another by locating the two objects such that the alignment points coincide, if the offset is zero, or displaced by the offset amount.

The alignment flags are defined using an orthogonal set of bits so that they may be combined in any order by a logical OR operation. The three possible horizontal locations and four possible vertical locations for the alignment points on an object may be specified using two bits for each direction. Thus, the alignment points on an anchor object and an aligned object may be specified using 8 bits or 1 byte.

(Kleinman, column 4, line 52 through column 5, line 6) underline added.

These passages of Kleinman show an anchoring system that is specified using a set of four flags that are defined with bits. Neither a set of flags nor bits are a relative tab stop. Kleinman does not disclose, teach, or suggest “determining the relative tab stop associated with the first item, the relative tab stop not representing an absolute location on a page” as recited in an element of amended claim 1.

Applicants further submit that even if Basic, Word, and Klienman taught the limitations in amended claim 1, there is no motivation to combine the three references and combining the references would cause each reference to be non-functional and therefore, a *prima facie* case of obviousness has not been established.

Even though each system is an object positioning system there is no motivation to combine them because each uses such a different positioning paradigm. Basic uses a coordinate system to position objects. Every object in Basic must have an x and y coordinate position. Word does not assign a position per object, but rather sets a horizontal ruler position as a tab for a page. Kleinman does not use a horizontal and/or vertical coordinate system, but rather uses anchor points specified via a set of bits. Basic can not position objects without a coordinate position, Word and Kleinman can not position objects with a coordinate position. The same applies for the Kleinman anchor points and the Word ruler position, Basic and Word can not position objects using the Kleinman anchor points, and Kleinman and Basic can not position object with the Word ruler position. There would be no reason for a skilled artisan to combine these three references as their fundamental positioning mechanism is so radically different.

Applicants further submit that the positioning systems of the three references are mutually exclusive. Basic can not position objects without a coordinate position, Word and Kleinman can not position objects with a coordinate position. The same applies for the Kleinman anchor points and the Word ruler position, Basic and Word can not position objects using the Kleinman anchor points, and Kleinman and Basic can not position object with the Word ruler position. These are three completely different positioning paradigms and combination of the references would make each non-functional. As the combination theses references would render each reference non-functional, there is no reasonable expectation of success of the combination.

As there is no motivation to combine references using such radically different positioning paradigms and a lack of a reasonable expectation of success in the combination, Applicants show a *prima facie* case of obviousness has not been established.

2. Claims 11 and 14 recite substantially the same limitations as claim 1, and are therefore, patentable over Basic Word and Kleinman for at least the same reasons.

3. Claims 2-10, 12-13, and 15-23 are dependent on claims 1, 11, and 14, and are therefore patentable over Basic Word and Kleinman for at least the same reasons.

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7011102001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7011102001**.

Respectfully submitted,
Bingham McCutchen LLP

Dated: July 13, 2005

By: 

Peter C. Mei
Registration No. 39,768

Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067
Telephone: (650) 849-4870
Telefax: (650) 849-4800